

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 JUSE-00 SCS-03 SCA-01 TRSE-00

SY-05 CIAE-00 INR-07 NSAE-00 /026 R

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE IMMEDIATE

C O N F I D E N T I A L STATE 189482

E.O. 11652: GDS

TAGS: CPRS, CS

SUBJECT: ALLEGED FORGED SIGNATURES ON U.S. GOVERNMENT
CHECKS

REF: SAN JOSE 3702

SUMMARY:

1. CONSULTATION WITH JUSTICE INDICATES PREMATURE TO RETAIN
COUNSEL TO GO INTO COURT FOR USG. EMBASSY SHOULD SEEK
ASSISTANCE LOCAL AUTHORITIES AND TO RETAIN COUNSEL TO
ADVISE.

2. IN VIEW RELATIVELY SMALL AMOUNT INVOLVED, OF WHICH ONLY
PORTION STILL IN ACCOUNT, AND LACK OF KNOWLEDGE OF WHAT
INVOLVED IN LITIGATION, JUSTICE INDICATES IT WOULD BE PRE-
MATURE TO AUTHORIZE RETAINING COUNSEL TO ACTUALLY GO INTO
COURT. EMBASSY SHOULD AT FIRST STEP GO TO COSTA RICAN
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OFFICIALS AT APPROPRIATELY HIGH LEVEL AND FIND OUT IF THERE

ARE PROTECTIVE MEASURES WITH RESPECT TO FUNDS WHICH INCIDENT TO CRIMINAL INVESTIGATION. IF NECESSARY TO TRIGGER PROCESS, EMBASSY COULD FILE CRIMINAL COMPLAINT.

3. NECESSARY EMBASSY AUTHORIZED TO RETAIN COUNSEL AT FLAT FEE TO ADVISE ON CIVIL AND CRIMINAL REMEDIES AND REPORT TO WASHINGTON FOR DETERMINATION ON HOW TO PROCEED. FEE UP TO \$400, OR IF NECESSARY UP TO \$500, AUTHORIZED BY ARA/MANAGEMENT. COUNSEL SHOULD ADDRESS, AMONG OTHER THINGS, FOLLOWING QUESTIONS:

A) CAN USG AS ADVERSELY AFFECTED PARTY JOIN IN CRIMINAL ACTION AS CIVILLY INJURED PARTY? (FYI: IF SO, LIKELY TO BE LESS COSTLY THAN STRAIGHT CIVIL SUIT. END FYI).

B) ALTERNATIVELY, WHAT WOULD BE PROCEDURES FOR PROTECTING US INTERESTS AND RECOVERING FUNDS? (WE WOULD LIKE FAIRLY DETAILED DESCRIPTION OF STEPS INVOLVED, CHANCES OF SUCCESS, AND LITIGATION COSTS, AS WELL AS COSTA RICAN SUBSTANTIVE LAW INVOLVED.)

C) IF AVAILABLE THROUGH ATTORNEY OR LOCAL AUTHORITIES, FINANCIAL SITUATION OF FORMER EMPLOYEE, I.E. IS HE LIKELY TO BE JUDGMENT PROOF BECAUSE OF LACK OF FINANCIAL RESOURCES? KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JUL 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE189482
Document Source: CORE
Document Unique ID: 00
Drafter: KEMALMBORG:AD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760295-0604
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976073/aaaaaccu.tel
Line Count: 86
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 76 SAN JOSE 3702
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 15 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 JUL 2004 by coburnhl>; APPROVED <27 OCT 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ALLEGED FORGED SIGNATURES ON U.S. GOVERNMENT CHECKS
TAGS: CPRS, CS
To: SAN JOSE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006